

Phone: (212) 885-5251
Fax: (917) 332-3796
Email: RKennedy@BlankRome.com

June 11, 2015

**VIA ELECTRONIC FILING
AND HAND DELIVERY**

Honorable Pamela K. Chen
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Genometrica Research Inc. et ano. v. Gorbovitski, et al.
Case No. 11-cv-5802(PKC)(AKT)

Honorable Judge Chen:

We, along with co-counsel at Intelluctulaw, the Law Offices of P. B. Tufariello, represent Plaintiff "Genometrica Research Inc., and The Research Foundation of the State University of New York (in accordance with Article VII of its Exclusive License Agreement dated as of July 1, 1999 with Genometrica Research Inc.)" in this matter. We write to very briefly respond to the "reply" letter filed this morning by Scully Scott. Genometrica makes the below points.

1. No merits are before this Court; this action has been fully settled.
2. The letter motion relates only to an attempt to hijack the settlement -- not to any merits; the use of settlement communications is therefore proper.
3. The Foundation consented to the terms of the Settlement Agreement; it cannot not now "reasonably withhold consent" based on an alleged unrelated breach of contract.
4. Genometrica is concerned to that counsel has had *ex parte* communications with the Court and did not notify Genometrica until its E-filed letter reply today.

Very truly yours,



Robert J. Kenney, Jr.

Honorable Pamela K. Chen

June 10, 2013

Page 2

cc: Peter Bernstein (Via ECF)
Jeremy Goldman (via ECF)
Nicole Hyland (via ECF)
P. Betty Tufariello (via ECF)